

of these products relating to their declared strength were false and misleading. The statements represented and suggested:

That each *Vextrin capsule* contained 20 milligrams of iron and would supply 2 times the minimum adult daily requirement for iron;

That 4 *Trestilon tablets* would furnish 2,000 percent of the daily minimum requirement of iron for adults and 50 percent of the daily minimum requirement of calcium for adults;

That each *Elgyn capsule* contained 20 milligrams of iron and would supply 2 times the minimum adult daily requirement for iron;

That two *Folitrin tabsules* would provide the minimum adult daily requirement for iron;

That 9 of the *Slia tablets* contained 460 milligrams of calcium and 360 milligrams of phosphorus, and that 9 such tablets contained 50 percent of the minimum daily requirements for calcium and phosphorus;

That each *Estra-Beta capsule* contained 30 milligrams of niacinamide and 20 milligrams of iron and would supply 2 times the minimum adult daily requirement for iron.

The *Vextrin capsules*, *Trestilon tablets*, *Elgyn capsules*, *Folitrin tabsules*, and *Slia tablets* were deficient in the above named ingredients; and one shipment of the *Estra-Beta capsules* contained less than 30 milligrams of niacinamide, and the other shipment contained less than 20 milligrams of iron and would supply less than 2 times the minimum adult daily requirement for iron.

DISPOSITION: June 14, 1950. A plea of guilty having been entered, the court imposed a fine of \$1,300, plus costs.

**3192. Adulteration and misbranding of prophylactics. U. S. v. 50 Gross * * *
(F. D. C. No. 28891. Sample No. 68860-K.)**

LIBEL FILED: March 24, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about January 11 and February 10, 1950, by the Dean Rubber Mfg. Co., from Kansas City, Mo.

PRODUCT: 50 gross of *prophylactics* at Seattle, Wash. Examination of samples showed that 2.3 percent were defective in that they contained holes.

LABEL, IN PART: "Dean's Peacocks Reservoir Ends."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "Tested On New, Modern Equipment For Your Protection * * * An Aid In Preventing Venereal Diseases" was false and misleading as applied to articles containing holes.

DISPOSITION: September 11, 1950. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3193. Misbranding of Amberin. U. S. v. Bernard A. Brownlow (The Amberin Co.). Plea of not guilty. Tried to the court. Verdict of guilty. Sentence of 10 months in a Federal work camp. (F. D. C. No. 26737. Sample Nos 41032-K, 41036-K.)

* See also Nos. 3183, 3187, 3188, 3190-3192.

INFORMATION FILED: October 19, 1949, Eastern District of Washington, against Bernard A. Brownlow, trading as the Amberin Co., Walla Walla, Wash.

ALLEGED SHIPMENT: On or about December 23, 1948, and February 7, 1949, from the State of Washington into the State of Montana.

LABEL, IN PART: "Amberin * * * For Hemorrhoids Active Ingredients Worm Wood Menthol Acetone Thymol \$10 Manufactured for Amberin Company Walla Walla, Washington."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "For Hemorrhoids" was false and misleading since the article would not be efficacious in the cure, mitigation, and treatment of hemorrhoids.

DISPOSITION: July 21, 1950. A plea of not guilty having been entered, the case came on for trial before the court without a jury. At the conclusion of the trial, the court found the defendant guilty and sentenced him to serve 10 months in a Federal work camp.

3194. Misbranding of ViViBx tablets and ViViBx capsules. U. S. v. International Pharmaceutical Co. and Frederick Herrschner. Pleas of nolo contendere. Fine of \$1,000, plus costs, against defendants jointly. (F. D. C. No. 26698. Sample Nos. 7097-K, 16842-K, 31615-K to 31617-K, incl.)

INFORMATION FILED: May 26, 1949, Northern District of Illinois, against the International Pharmaceutical Co., a corporation, trading as Frederick Herrschner, Chicago, Ill., and against Frederick Herrschner, president of the corporation.

ALLEGED SHIPMENT: On or about March 22 and 31 and April 7 and 13, 1948, from the State of Illinois into the States of New York, Wisconsin, and California.

LABEL, IN PART: "ViViBx * * * Vitamin D and A Tablets Fortified with Vitamin E. Each tablet contains: Vitamin D 25,000 U. S. P. Units Vitamin A 5,000 U. S. P. Units Vitamin E 5,000 Micrograms and supplies 62.5 times MDR Vitamin D and 100% Vitamin A. Need not yet determined for Vitamin E (tocopherols)"; "ViViBx Whole Natural B Complex Tablets (From Special Selected Strain of Highest Potency Yeast) Each Tablet Contains: Vitamin B₁ 1220 Micrograms Vitamin B₂ 2400 Micrograms Niacin 160 Micrograms Pantothenic Acid 88 Micrograms Plus all other factors of the B Complex Natural to Yeast, including 18 Amino Acids, 11 minerals"; "ViViBx * * * Vitamin E Concentrate Capsules * * * Each capsule contains 39.4 mg. of mixed natural Tocopherols. Equivalent to 30 mg. of Alpha-Tocopherol in biological activity"; "ViViBx * * * Super Capsules Vitamins in each capsule A 5,000 U. S. P. units B₁ 666 U. S. P. units D 800 U. S. P. units B₂ 50 Gamma G (B₂) 2,000 Gamma C 600 U. S. P. units K 10 Gamma Niacin Amide 10,500 Gamma Calcium Pantothenate 1,000 Gamma Wheat Germ Oil 171,000 Gamma"; and "ViViBx * * * High Potency Vitamin C (Ascorbic Acid) Each tablet contains 100 Milligrams (2000 U. S. P. or Intn'l Units) of Vitamin C—furnishing 3½ times or 333% of the adult minimum daily requirement."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in circulars entitled "Price List of ViViBx," accompanying all of the articles, "Save Safely 20% Sale," accompanying all of the articles except for the B complex tablets, and "Aglow With Life," accompanying the vitamin E capsules, were false and misleading since the articles would not be efficacious for the purposes represented and suggested. The statements represented and suggested: